Constitution and By-laws

of the

Rosebud Sioux Tribe

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CONSTITUTION AND BYLAWS
OF THE ROSEBUD SIOUX TRIBE
OF
SOUTH DAKOTA

Preamble

Under and by virtue of our Creator and His divine providence, we, the enrolled members of the Rosebud Sioux Tribe of Indians of the Rosebud Indian Reservation in the State of South Dakota, in order to establish a united tribal organization, to establish justice, to insure tranquility and enjoy the blessings of freedom and liberty, to conserve our tribal property, to develop our common resources, and to promote the best welfare of the present generation and our posterity, in education and industry, do hereby adopt and establish this Constitution and By-Laws.

Article I - Territory

The jurisdiction of the Rosebud Sioux Tribe of Indians shall extend to the territory within the original confines of the Rosebud Reservation boundaries as established by the Act of March 2, 1889, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

Article II – Membership

Section 1. Membership of the Rosebud Sioux Tribe shall consist as follows:

(a) All persons of Indian blood, including persons born since December 31, 1920, who names appear on the official census roll of the Tribe as of April 1, 1935.

(b) All persons born after April 1, 1935, and prior to the effective date of this amendment, to any member of the Rosebud Sioux Tribe who was a resident of the reservation at the time of the birth of said persons. *(Amendment V effective May 2, 1966)*

(c) All persons that can provide three (3) Generations of Lineal Descent born after April 1, 1935, to a member of the Rosebud Sioux Tribe, regardless of the residence of the parent. *(Amendment C effective September 20, 2007 - vote 508 for; 281 against; 17 ballots spoiled or mutilated)*

Section 2. The Tribal Council shall have the power to promulgate ordinances covering future membership and the adoption of new members. *(Amendment XVI effective September 23, 1985)*

Article III – Governing Body

Section 1. The governing body of the Rosebud Sioux Tribe shall consist of a Council known as the Rosebud Sioux Tribal Council.

Section 2. The President and Vice President of the Rosebud Sioux Tribe shall be elected at large for a term of three years. The Secretary and Treasurer of the Rosebud Sioux Tribe shall be elected at large for a term of two years and shall have no vote in matters before the Rosebud Sioux Tribe. The Community Representatives of the Rosebud Sioux Tribe shall be elected for terms of three-years. The offices of the President, Vice President, Council Representatives, Secretary, and Treasurer shall be subject to limits of two consecutive terms. The terms of Community Representatives shall be staggered terms commencing with the election in 2005. Elections for ten Community Representatives will be for the first three year term, the remaining ten Community Representative elections will be for an initial term of two years, and then it will revert to a three year term at the next general election in 2007. The decision of which ten communities will hold the first three year and two year terms will be made by the Rosebud Sioux Tribal Election Board. Each community of the reservation, as follows, shall be entitled to representation on the Rosebud Sioux Tribal Council as hereinafter provided:

1. Antelope
2. Black Pipe
3. Bull Creek
4. Butte Creek
5. Corn Creek
6. Grass Mountain
7. He Dog
8. Horse Creek
9. Ideal
10. Milks Camp
11. Okreek
12. Parmelee
13. Ring Thunder
14. Rosebud
15. St. Francis
16. Soldier Creek
17. Spring Creek
18. Swift Bear
19. Two Strike
20. Upper Cut Meat

(Amendment F effective September 20, 2007 - vote 459 for; 339 against; 8 ballots spoiled or mutilated)

Section 3. All council members and the president and vice-president shall be of at least ¼ degree Indian blood. *(Amendment E effective September 20, 2007 - vote 557 for; 246 against; 3 ballots spoiled or mutilated)*

Section 4. The Tribal Council shall have authority to make changes in the foregoing list according to future community needs. *(Amendment XVII effective September 23, 1985)*

Section 5. Each recognized community shall have one community representative to the Tribal Council. Each community representative of the Tribal Council shall be elected at large by the registered voters of the Rosebud Sioux Tribe. *(Amendment G effective September 20, 2007 - vote 538 for; 258 against; 10 ballots spoiled or mutilated)*

Section 6. Any member of the Sicangu Lakota Oyate at least 30 years of age, who has not been found guilty by the Tribal Council of misconduct in tribal affairs, or who has not been found guilty in a court of law of felony offense involving violence and who can provide affidavits(s) that prove some history of leadership shall be qualified to seek and hold membership on the Tribal Council. Candidates for the position of President or Vice President of the Sicangu Lakota Oyate must be at least 45 years of age and meet all requirements of qualification for membership on the Tribal Council. *(Amendment H effective September 20, 2007- vote 535 for; 261 against; 10 ballots spoiled or mutilated)*

Section 6. Any enrolled member of the Rosebud Sioux Tribe possessing at least one fourth (1/4) or more Sicangu blood degree and at least twenty five (25) years of age, who has not been found guilty of any major crimes by any jurisdiction, or who has not been found guilty by the Rosebud Sioux Tribal Council of misconduct in tribal affairs, or who has not been found, by any tribal, state, or federal court of law, or by the tribal ethics commission or by the Rosebud Sioux Tribal Council, to have performed any act containing an element of perjury, forgery, bribery, dishonesty or abuse of public office compromising the welfare of the Rosebud Sioux Tribe or any of its members shall be qualified to seek and hold membership on the Rosebud Sioux Tribal Council. A candidate for president, vice-president, secretary and treasurer must have been living within the boundaries of the Rosebud Sioux Indian Reservation for at least one year preceding the date of the Primary Election, and a candidate for community representative must have been living in the community of candidacy for at least one year next preceding the date of the Primary Election.

If for any reason a community representative is absent from the community for a period exceeding 90 days, the position shall become immediately vacant and filled according to the Constitution and By-Laws of the Rosebud Sioux Tribe. *(Amendment I effective September 20, 2007- vote 584 for; 212 against; 10 ballots spoiled or mutilated)*

Section 7. If the office of president becomes vacant before the expiration of the term and one year or more of the term remains, the Tribal Council, within thirty (30) days after the vacancy, shall order a special election. If less than one year of the term remains, the vice president shall fill the unexpired term; provided, that the tenure of office of any person elected to fill the vacancy shall not extend beyond the term of office of the original incumbent. If the office of vice president becomes vacant by reason of succession, or any other cause and one year or more remains in the term, the Tribal Council, within (30) days after the vacancy, shall order a special election. If less than one year of the term remains, the Tribal Council shall elect a vice president from its own number to fill the vacancy until the next general election; provided, that the tenure of office of any person elected to fill the vacancy shall not extend beyond the term of office of the original incumbent.

If the office of any community representative becomes vacant before the expiration of the term and one year or more of the term remains, the Tribal Council, within thirty (30) days after the vacancy, shall order a special election to allow all registered voters to vote for the vacant position. If less than one year of the term remains, the community council of

the affected community, within thirty (30) days from the date of the vacancy shall appoint a community representative for the unexpired term; provided, that the tenure of office of any person elected to fill the vacancy shall not extend beyond the term of office of the original incumbent.

If the office of secretary becomes vacant before the expiration of the term and one year or more remains in the unexpired term, the Tribal Council shall order a special election to fill the vacancy. If less than one year remains in the term, the Tribal Council shall advertise the vacancy and fill the term from those qualified tribal applicants. The tenure of office of any person elected to fill this vacancy shall not extend beyond the term of office of the original incumbent.

If the office of treasurer becomes vacant before the expiration of the term and six months or more remain in the unexpired term, the Tribal Council shall order a special election to fill the vacancy. If less than one year remains in the term, the Tribal Council shall advertise the vacancy and fill the term from those qualified tribal applicants. The tenure of office of any person elected to fill this vacancy shall not extend beyond the term of office of the original incumbent. *(Amendment J effective September 20, 2007 – 590 for; 210 against; 6 ballots spoiled or mutilated)*

Section 8. The secretary and treasurer of the Rosebud Sioux Tribe shall be elected at large for a term of two years by the registered voters from within the twenty (20) communities of the Rosebud Sioux Tribe. The office of sergeant-at-arms shall be elected by the Tribal Council from within or without its members. The tribal secretary and treasurer officers elected shall have no vote in matters before Tribal Council. *(Amendment K effective September 20, 2007 – 533 for; 263 against; 10 ballots spoiled or mutilated)*

Section 9. Any person elected to these positions shall be of at least ¼ degree Indian blood. *(Amendment L effective September 20, 2007 – vote 549 for; 251 against; 6 ballots spoiled or mutilated)*

Section 10. The Electorate of the Rosebud Sioux Tribe shall determine the qualifications of its officers, council members, and community officers. *(Amendment M effective September 20, 2007 – vote 549 for; 243 against; 14 ballots spoiled or mutilated)*

Section 11. There shall be a Primary Election and a General Election for President and Vice-President held every three years, and there shall be a Primary Election and a General Election for Secretary and Treasurer of the Rosebud Sioux Tribal Council held every two years, and there shall be a Primary Election and General Election for Community Representatives to the Rosebud Sioux Tribal Council held at the end of three years terms as specified in Article III, Section 2. The Primary Election shall be held on the fourth Thursday in July and the General Election shall be held on the fourth Thursday in August. If the election Thursday is a legal holiday, the election shall be held on the first subsequent day, which is not a holiday. The terms of Council Representatives and officers in office on the effective date of this amendment shall expire three (3) days

following certification of results of the General Election. *(Amendment N effective September 20, 2007 – vote 435 for; 353 against; 8 ballots spoiled or mutilated)*

Section 12. Newly elected tribal officers and community representatives shall begin their official duties on the first business day of the first week following their certification by the Tribal Election Board. *(Amendment XVII effective September 23, 1985)*

Article IV – Powers of the Rosebud Sioux Tribal Council

Section 1. Enumerated powers – The Council of the Rosebud Sioux Tribe shall exercise the following powers subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and attached By-Laws. *(Amendment I effective June 19, 1962; Yes-346; No-296)*

(a) To negotiate with the federal, state and local governments on behalf of the Tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Rosebud Sioux Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Tribe and its members. *(Amendment O effective September 20, 2007 – vote 472 for; 322 against; 12 ballots spoiled or mutilated)*

(c) To purchase and to otherwise acquire lands and other property for or on behalf of the Tribe and to manage, permit, assign, lease, sell, exchange, encumber, or otherwise deal with tribal lands and property as authorized by law; provided that there shall be no sales of tribal or TLE managed lands and no land trades to any non-Indians within the original boundaries of the 1868 Treaty without the consent of tribal members, and to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in tribal lands or other tribal assets without the consent of the Tribe; provided, that in leasing tribal land for grazing or agricultural purposes preference shall be given to any member of the Tribe who is the economic head of the family. *(Amendment XXI effective September 23, 1985)*

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or federal projects for the benefit of the Tribe prior to the submission of such estimates to any departments of the United States Government and to Congress. *(Amendment XVIII effective September 23, 1985)*

(e) To make assignments of tribal land to members of the Tribe in conformity with Article VIII of this Constitution.

(f) To make all economic affairs and enterprise of the Tribe in accordance with the terms of a charter which may be issued to the Tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the Rosebud Sioux Tribe available Tribal Council funds. *(Amendment XVIII effective September 23, 1985)*

(h) To levy taxes upon members of the Tribe and to require the performance of reservation labor in lieu thereof, and to levy taxes or license fees upon non-members doing business within the reservation. *(Amendment XVIII effective September 23, 1985)*

(i) To exclude by ordinance from the restricted lands of the reservation persons not legally entitled to reside therein. *(Amendment XVIII – September 23, 1985)*

(j) To enact resolutions or ordinances not inconsistent with Article II of the Constitution governing the adoption and abandonment of membership.

(k) To purchase lands of members of the Tribe for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(l) To promulgate and enforce ordinances providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and power. *(Amendment XVIII effective September 23, 1985)*

(m) To safeguard and promote the peace, safety, morals and general welfare of the Tribe by regulating the conduct of trade and the use and disposition of property upon the reservation and provided further that non-restricted property of members which was obtained without any help or assistance of the government or the Tribe may be disposed of without restrictions. *(Amendment XVIII effective September 23, 1985)*

(n) To charter subordinate organization for economic purposes and to regulate the activities of all cooperative associations of members of the Tribe.

(o) To regulate the inheritance of property, real and personal, other than allotted land, within the territory of the reservation. *(Amendment XVIII effective September 23, 1985)*

(p) The domestic relations of the Tribe shall be regulated by the Judiciary Department who shall be empowered by the Rosebud Tribal Council for a separation of powers. All laws legislated by the Rosebud Tribal Council shall be enforced by this department to ensure fair and equal justice for all

people without the interference of political power or pressure. *(Amendment Q effective September 20, 2007 – vote 554 for; 243 against; 9 ballots spoiled or mutilated)*

(q) To provide for the protection of all minors, mentally incompetent and any others who need protection or assistance for reason of health, age, or other extenuating circumstances. The Judiciary Department shall provide whatever services are needed to fulfill their needs. *(Amendment R effective September 20, 2007 – vote 630 for; 160 against; 16 ballots spoiled or mutilated)*

(r) To exchange and foster the arts, crafts, traditions and culture of the Sioux.

(s) To regulate the manner of making nominations and holding elections for tribal offices.

(t) To adopt resolutions regulating the procedure of the Council itself and of other tribal agencies and tribal officials.

(u) To delegate to subordinate boards or tribal officials, to the several communities, or to cooperative associations, which are open to all members of the Tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(v) The Tribal Council shall develop plans and consider implications of the decisions they make on the next seven generations. *(Amendment S effective September 20, 2007 – vote 528 for; 262 against; 16 ballots spoiled or mutilated)*

Section 2. Future Powers – The Tribal Council may exercise such further powers as may in the future be delegated to the Tribe by the Secretary of the Interior or, by a duly authorized official or agency of the state or federal government.

Section 3. Reserved Powers – Any rights and powers heretofore vested in the Rosebud Sioux Tribe but not expressly referred to in this Constitution shall not be abridged by this article but may be exercised by the people of the Rosebud Sioux Tribe through the adoption of appropriate by-laws and constitutional amendments.

Section 4. Limitations of Powers – The powers vested in the Rosebud Sioux Tribal Council shall not be vested in individual council members, but shall be exercised only by the collective body of the Council. Any authority exercised by any member of the Council shall be designated by collective decision of the Council. Exercising the powers of the Council as an individual and without the collective knowledge and approval of the Council shall constitute abuse of Council powers. *(Amendment T effective September 20, 2007 – 615 for; 181 against; 10 ballots spoiled or mutilated)*

Article V – Community Organization

Each community established under this Constitution shall elect annually, a president and such other officers as may be advisable. The president shall call and preside over popular meeting of the community whenever necessary for the consideration of matters of local interest. The various communities may consult with representatives of the Interior Department on all matters of local interest and make recommendations thereon to the Tribal Council or the Superintendent or Commissioner of Indian Affairs, may undertake and manage local enterprises for the benefit of the community, may levy assessments upon members of the community, may expend moneys in the community treasury for the benefit of the community, may keep a roll of those members of the Tribe affiliated with the community, and may exercise such further powers as may be delegated to the communities by the Tribal Council. The actions of the community councils shall not be inconsistent with the Constitution, By-Laws and ordinances of the Tribe.

Article VI – Elections

Section 1. Any enrolled member of the Rosebud Sioux Tribe, at least eighteen (18) years of age, who has resided for at least thirty (30) days immediately prior to the election day in the district in which he anticipates to vote, is qualified to vote. *(Amendment XIV effective September 4, 1973)*

Article VII
Initiative, Referendum, Recall and Removal

Section 1. Initiative. Upon receipt and verification by the Tribal Secretary of a petition of thirty (30) percent of the number of persons who voted in the last tribal election, a proposed ordinance or resolution made by the people shall be submitted to a vote of the people at a regular or special election to be held within sixty days of verification of the petition by the Election Board. The vote of a majority of those actually voting shall be conclusive and binding upon the Tribal Council.

Section 2. Referendum. Upon receipt and verification by the Tribal Secretary of a petition of thirty (30) percent of the number of persons who voted in the last tribal election or upon the request of two-thirds of the total membership of the Tribal Council, any proposed or previously enacted ordinance or resolution of the Tribal Council shall by submitted to a vote of the people at a regular or special election to be held within sixty days of verification of the petition by the Tribal Secretary. The vote of a majority of those actually voting shall be conclusive and binding upon the Tribal Council.

Section 3. Recall. Upon receipt and verification by the Tribal Secretary of a petition of thirty (30) percent of the number of persons who voted in the last tribal election, it shall be the duty of the Tribal Council to call a special election to consider the recall of the elected tribal official named in the petition. The election shall be held within thirty days of verification of the petition by the Tribal Secretary, provided that if the petition is submitted within six months of the next annual election the Tribal Council may direct that the matter be placed on the ballot for that election. If a majority of those actually

voting in favor of the recall of the official, the office shall be declared vacant and filled in accordance with this Constitution.

Section 4. Removal. The Tribal Council may by a two-thirds vote of the total members of the Tribal Council, after due notice and an opportunity to be heard, remove any Tribal Council member for neglect of duty or gross misconduct. The decision of the Tribal Council shall be final.

Section 5. Ordinance. Initiative, referendum, recall, and removal procedures shall be set by ordinance by the Tribal Council, provided that such procedures shall be in accordance with the Election Article of this Constitution where appropriate.
(Amendment U effective September 20, 2007 – vote 596 for; 197 against; 13 ballots spoiled or mutilated)

Article VIII – Land

Section 1. In any assignment of tribal lands, preference shall be given to heads of families which are entirely landless. Assignments under this section shall be known as "home assignments" and shall be granted for the purpose of giving opportunity to homeless Indians for establishing a home. Any assignment under this provision shall not exceed ten (10) acres in the area.

Section 2. If any persons holding a "home assignment" of land shall for a period of six months fail to use the land so assigned or shall use the land for any unlawful purpose, his assignment may be cancelled by the Tribal Council after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon the death of any Indian holding a "home assignment", his heirs or other individuals designated by him by will or written request shall have preference in the reassignment of the land, providing such persons are eligible to receive a "home assignment."

Section 3. Any member of the Rosebud Sioux Tribe who owns an allotment of land or any share in heirship land or any deeded land, may, with the approval of the Secretary of Interior, voluntarily transfer his interest in such land, including or excluding mineral rights therein, to the Tribe and receive therefore an assignment in the same land or other land of equal value or he may receive a proportionate share in a unit of grazing land.

Assignments made under this section shall be known as "exchange assignments."

Section 4. A member receiving an "exchange assignment" shall receive the right to lease such assigned lands or interest under the same terms as governing the leasing of allotments.

Section 5. Upon the death of a holder of an "exchange assignment," such lands shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Rosebud Tribe, except that a life assignment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1,920 acres of land on the reservation. *(Amendment IV effective June 19, 1962)*

(c) Such land may not be subdivided into units too small for practical use. No area of grazing land shall be subdivided into units smaller than one hundred sixty (160) acres. No area of agricultural land shall be subdivided into smaller units than two and one half (2 ½) acres. When interests in assignments shall involve smaller areas than the amounts herein set out, the Tribal Council may issue to such heir or devisee a proportionate share in other grazing units or other interest in land of equal value.

(d) If there are no eligible heirs or devisee of the decedent, the land shall be eligible for reassignment the same as other tribal lands.

Section 6. Improvements of any character made upon assigned land may be willed to and inherited by members of the Rosebud Tribe. When improvements are made possible of fair division, the Tribal Council shall dispose of them under such regulations as it may provide. No permanent improvements may be removed from any tribal or assigned land without the consent of the Tribal Council.

Section 7. No member of the Rosebud Tribe may use or occupy tribal land except under assignment or lease.

Section 8. Unassigned land shall be managed by the Tribal Council for the benefit of the members of the entire Tribe.

Section 9. Applications for assignments of lands shall be made in writing. Such applications shall be submitted to the Council at regular or special sessions. The applications will be placed in the hand of a proper committee who will call the matter up for action at the next regular meeting of the Council. Any member of the Tribe may object, in writing, to a proposed assignment. In the event of objection, the Chairman of the Council shall set a date for a hearing, advising both the applicant and objector. The action of the Council shall be final.

The Secretary of the Council shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the Tribe.

The Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

Article IX – Amendments

Section 1. This Constitution and By-Laws may be amended by a majority vote of the qualified voters of the Rosebud Sioux Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of Interior to call an election on any proposed amendment, upon receipt of a written resolution signed by at least three-fourths (3/4) of the membership of the Council. *(Amendment XIX effective September 23, 1985)*

Section 2. Upon receipt of a petition that contains the signatures of at least thirty (30) percent of the voters in the last tribal election, the Tribal Secretary shall refer this petition to the next Tribal Council meeting which shall call a Tribal Constitution Convention to commence within thirty (30) days and to appoint a seven-member Tribal Constitutional Task Force, consisting of tribal members outside the Tribal Council, to conduct this convention for the purpose of hearing proposed amendments and to approve those of which shall be referred to the Secretary of the Interior, and upon receipt of them, it shall be the duty of the Secretary of the Interior to set an election as described in Section 1 above. *(Amendment XIX effective September 23, 1985)*

ARTICLE X – BILL OF RIGHTS

Section 1. Bill of Rights. The government of the Tribe including the community shall not:

(a). Infringe upon religious beliefs or prohibit the free exercise thereof;

(b). Abridge the freedom of speech, press, expression, conscience, association, or the right of the people peaceably to assemble, and to petition the government;

(c). Violate the right of the people to be secure in the privacy of their persons, houses, papers, vehicles, and effects against unreasonable searches and seizures, nor issue warrants but upon probable cause, supported by oath or affirmation signed by a judge, and particularly describing the place, person, house, papers, vehicle, or effects to be searched, the object and scope of such search, and the person or thing to be seized, and any search or seizure taken in violation of this provision shall be excluded;

(d). Search or arrest any person without informing them of their right to remain silent, to have access to an attorney, to be informed that anything they say can be held against them in a court of law, to have these rights

explained at the time of the search or arrest, and to ask them if they understand these rights;

(e). Take any private property or possessor interest in private property for public use, without due process and just compensation; deny to any person within its jurisdiction the equal protection, application, or opportunity of the laws;

(f). Deny to any person in a criminal or civil proceeding the right to a speedy and public trial which shall be initiated no more than six months from the filing of criminal charges or a civil complaint and which shall be decided by the courts within one year, and in a criminal proceeding to be informed of the nature and cause of the accusation, to be presumed innocent until proven guilty, to be confronted with the witnesses against him or her, to have compulsory process for obtaining witnesses in his or her favor, to have the assistance of counsel for his or her defense including the right to have counsel provided subject to income guidelines; nor deprive any person of liberty or property without due process of law;

(g). Require excessive bail, impose excessive fines, or inflict cruel and unusual methods of interrogation or punishment;

(h). Pass any bill or attainder or a law, which punishes conduct after the fact;

(i). Deny to any person the access to his or her own personal information maintained by the Tribe, or to public information, which shall include but not be limited to financial records maintained by the Tribe.

Section 2. Retained Powers. Powers not granted to the government shall be reserved to the people. *(Amendment V effective September 20, 2007 – vote 552 for; 234 against; 19 ballots spoiled or mutilated)*

Article XI – Tribal Court

Section 1. The Rosebud Sioux Tribal Court shall be separate and distinct from the legislative and executive branches of tribal government. No person, including any tribal official or person acting in behalf of a tribal official, shall induce or attempt to induce a favorable decision, or interfere in any manner whatsoever with any decision of any judge of the tribal or supreme court. The Tribal Council shall pass legislation which shall denote sanctions for the violation of this section.

Section 2. The Tribal Court shall consist of one chief judge and such associate judges and staff as are deemed necessary by the Chief Judge, with the advice and consent of Tribal Council. All tribal court personnel shall be subject to the supervision of the Chief Judge. The Chief Judge shall establish such staff positions within the tribal court as may

be necessary for efficient operation. The Chief Judge shall have the authority to establish qualifications for court staff and shall make the final selection of said staff.

Section 3. The authority of the tribal court shall include but is not limited to the power to review and overturn tribal legislative and executive actions for violations of this Constitution or of the Federal Indian Civil Rights Act of 1968 as well as to perform all other judicial and court functions.

Section 4. The Chief Judge shall promulgate rules of pleading, practice, and procedure applicable to any and all proceedings of the tribal court, consistent with the provisions of this Constitution and requirements of federal law. In case of failure of the Chief Judge to establish such rules, the Tribal Council shall have the authority to establish them.

Section 5. The Tribal Council shall set forth qualifications for Tribal Court Chief Judge, associate judges, and staff positions by ordinance. The Tribal Council shall appoint a chief judge for a term of not less than four years and associates for terms not less than two years.

Section 6. During the tenure of his or her appointment, the Chief Judge, or an Associate Judge may be suspended or dismissed by the Tribal Council only for cause, as defined by the Judicial Code of Ethics, upon due notice and an opportunity for a hearing open to tribal members.

Section 7. There is hereby established the Rosebud Sioux Tribe Supreme Court. The Supreme Court shall take appeals from the Rosebud Sioux Tribal Court that are deemed meritorious under rules and standards set by the Rosebud Sioux Tribal Council by ordinance. The authority of the court shall include the power to review and overturn tribal legislative and executive actions for violations of this Constitution or of the Federal Indian Civil Rights Act of 1968 as well as to perform all other appellate court functions. The Tribal Council shall determine the number of Supreme Court Justices as well as their qualifications and tenure. No Supreme Court Justice may be removed before the end of their tenure, except for cause. *(Amendment W – September 20, 2007 – vote 612 for; 176 against; 18 ballots spoiled or mutilated)*

BY-LAWS OF THE ROSEBUD SIOUX TRIBE

Article 1 – Duties of Officers

Section 1. The President shall manage and administer the affairs of the Rosebud Sioux Tribe, including the supervision of tribal employees, subject to the resolutions, ordinances and instructions of the Rosebud Sioux Tribal Council. No tribal employee or tribal member shall be subjected to unfair and political repercussions and/or retaliation by the President or any of his/her representatives in any matter. Such action will be documented and referred to the Ethics Commission of the Rosebud Sioux Tribe. The President shall preside at all meetings of the Tribal Council. The President shall vote only in case of a tie. *(Amendment X effective September 20, 2007 – vote 585 for; 150 against; 71 ballots spoiled or mutilated)*

Section 2. The Vice-President shall assist the President when called upon to do so, and, in the absence of the President, he shall preside. When so presiding, he shall have all the rights, privileges, duties, as well as the responsibilities, of the President. The Vice-President shall not have a vote except in case of a tie when acting as President under Section 1 of this Article. *(Amendment XIII effective May 2, 1966)*

Section 3. The Council Secretary shall keep a full report of all proceedings of each regular and special meetings of the Tribal Council and shall perform such other duties of like nature as the Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the Council, to the Superintendent of the Reservation, and to the Commissioner of Indian Affairs.

Section 4. The Treasurer shall be custodian of all moneys which come under the jurisdiction or in the control of the Sicangu Council. He shall pay out money in accordance with the orders and resolutions of the Sicangu Council. He shall keep account of all receipts and disbursements and shall report the same to the Sicangu Council at each regular meeting. He shall provide such bond to be satisfactory to the Sicangu Council. The books of the Treasurer shall be subject to audit or inspection at the discretion of the Sicangu Council. The Treasurer shall cause the financial statements of the Sicangu Nation to be published in a manner that is available to all members within thirty (30) days after a Sicangu Council has reviewed and approved them. *(Amendment Y effective September 20, 2007 – vote 582 for; 210 against; 14 ballots spoiled or mutilated)*

Articles II – Duties of the Councilmen

Section 1. It shall be the duty of each member of the Tribal Council to make reports to the community from which he was elected concerning the proceedings of the Tribal Council.

Section 2. It shall also be the duty of each member of the Tribal Council, including any elected or appointed officers of the Tribal Council, to attend any duly called special or regular meeting of the Tribal Council unless excused by motion of the Tribal Council in

session, to present to the Tribal Council in a timely manner any duly approved community resolution or any legitimate petition of tribal members, and to abide by the Tribal Code of Ethics adopted by the Tribal Council. *(Amendment XX – September 23, 1985)*

Article III - Oath of Office

Each member of the Sicangu Council and each officer or subordinate officer, elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof; by which oath, he shall pledge himself to support and defend the Constitution and By-Laws of the Sicangu nation and the Treaties entered into with the United States Government or other Governments.

(Oath) I, _____, do hereby solemnly swear that I will support and defend the Constitution of the Sicangu Nation against all enemies as identified in treaties or by the Sicangu People and I will carry out faithfully, and impartially, the duties of my office to the best of my ability; and will cooperate, promote and protect the best interests of my Tribe, the Sicangu Nation, in accordance with this Constitution and By-Laws. *(Amendment Z effective September 20, 2007 – vote 504 for; 269 against; 33 ballots spoiled or mutilated)*

Article IV – Salaries

Section 1. The Tribal Council may prescribe such salaries of tribal officers, employees, or members of the Council, as it deems advisable from such funds as may be available.

Section 2. No compensation shall be paid to any councilman, president, vice-president, secretary, treasurer, tribal council, or any officer out of the tribal funds obtained from the federal government, except upon a resolution stating the amount of compensation and the nature of services rendered, and said resolution shall be of no effect until published as a public notice in a publication for a period of 30 days. *(Amendment AA effective 20, 2007 – vote 605 for; 191 against; 10 ballots spoiled or mutilated)*

Article V – Meetings of Council

Section 1. Regular meetings of the Tribal Council shall be held once a month on days and places designated by the Tribal Council by resolution, provided special meetings may be called by a majority of Council members in writing or by the Tribal President in writing with at least three days notice in either case. A quorum for the Tribal Council to transact business shall be a majority of the Tribal Council membership, unless a larger number is required elsewhere in this Constitution and By-Laws. (Amendment XX effective September 23, 1985)

Section 2. A designated room or place shall be set-aside for the Tribal Council, where all records and Tribal Council property shall be kept.

Article VI – Sioux Councils

The Tribal Council shall have the power to select delegates to sit in National Sioux Councils.

Article VII – Adoption of Constitution and By-Laws

This Constitution and By-Laws, when ratified by a majority of the qualified voters of the Rosebud Sioux Tribe voting at a special election called for the purpose by the Secretary of Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in such elections, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from date of approval.

CERTIFIED OF ADOPTION

Pursuant to an order, approved November 1, 1935, by the Secretary of the Interior, the attached Constitution and By-Laws were submitted for ratification to the members of the Rosebud Sioux Tribe of the Rosebud Reservation and were on November 23, 1935, duly approved by a vote of 992 for and 643 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat, 984), as amended by the Act of June 15, 1935 (Public, No. 147, 74th Cong.)

/s/ George Kills in Sight,
Chairman of Election Board

/s/ George Whirlwind Soldier,
Vice Chairman, Rosebud Sioux Tribe

/s/ Wallace A. Murray,
Secretary, Rosebud Sioux Tribe

/s/ W.O. Roberts, Superintendent

I, Harold I. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934, (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-Laws of the Rosebud Sioux Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-Laws are hereby declared inapplicable to the Rosebud Sioux Tribe.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-Laws.

Approval recommended December 16, 1935.

John Collier,
Commissioner of Indian Affairs

Harold I. Ickes
Secretary of the Interior
(SEAL)

Washington, D.C., December 20, 1935

SECTIONS OF THE CONSTITUTION & BY-LAWS OF THE ROSEBUD SIOUX TRIBE WHICH WERE AMENDED, REPEALED OR REPLACED AND ARE NO LONGER IN EFFECT

Article II - Membership

Section 1. Membership of the Rosebud Sioux Tribe shall consist as follows:

(b) All persons born after April 1, 1935, and prior to the effective date of this amendment, to any member of the Rosebud Sioux Tribe who was a resident of the reservation at the time of the birth of said persons. *(Amendment V effective May 2, 1966; Yes-702; No-552)*

(c) All children of one-fourth or more Rosebud Sioux Indian blood born after the effective date of this amendment to a member of the Tribe, regardless of the residence of the parent. *(Amendment V effective May 2, 1966)*

(c) All persons of one-fourth (1/4) or more Rosebud Sioux Indian blood born after April 1, 1935, to a member of the Tribe, regardless of the residence of the parent. *(Amendment XV effective December 29, 1977)*

(c) All persons of one-fourth (1/4) or more Sioux Indian blood born after April 1, 1935, to a member of the Tribe, regardless of the residence of the parent. *(Amendment XVI effective September 23, 1985)*

Article III - Governing Body

Section 2. The Council shall be elected for a term of two years, by secret ballot. Each community of the Reservation, as follows, shall be entitled to representation on the Tribal Council, according to population, as hereinafter provided: (1) Ring Thunder; (2) Spring Creek; (3) He Dog; (4) Black Pipe; (5) Swift Bear; (6) Butte Creek; (7) Bad Nation; (8) Okreek; (9) Bull Creek; (10) St. Francis; (11) Grass Mountain; (12) Two Strike; (13) Parmelee; (14) Upper Cut Meat; (15) Corn Creek; (16) Horse Creek; (17) White Thunder; (18) Little Crow; (19) Ideal; (20) Ponca; (21) Upper Ponca; (22) Soldier Creek.
(Amended effective March 27, 1963)

Section 2. The President and Vice-President of the Tribe, shall be elected at large for a term of two years. All other members of the Council shall be elected for terms of two years. All elections shall be by secret ballot. Each community of the Reservation, as follows, shall be entitled to representation on the Tribal Council, according to population, as hereinafter provided: Antelope, Black Pipe, Bull Creek, Butte Creek, Corn Creek, Grass Mountain, He Dog, Horse Creek, Ideal, Milk's Camp, Okreek, Parmelee, Ring Thunder, Rosebud, St. Francis, Soldier Creek, Spring Creek, Swift Bear, Two Strike, Upper Cut Meat. *(Amendment VI effective May 2, 1966)*

Section 2. The President and Vice-President of the Tribe, shall be elected at large for a term of four years. All other members of the Council shall be elected for terms of four years. All elections shall be by secret ballot. Each community of the Reservation, as follows, shall be entitled to representation on the Tribal Council as herein provided: Antelope, Black Pipe, Bull Creek, Butte Creek, Corn Creek, Grass Mountain, He Dog, Horse Creek, Ideal, Milk's Camp, Okreek, Parmelee, Ring Thunder, Rosebud, St. Francis, Soldier Creek, Spring Creek, Swift Bear, Two Strike, Upper Cut Meat. *(Amendment XVII effective September 23, 1985)*

Section 2. The President and Vice-President of the Tribe, shall be elected at large for a term of two years. All other members of the Council shall be elected for terms of two years. All elections shall be by secret ballot. Each community of the Reservation, as follows, shall be entitled to representation on the Tribal Council as hereinafter provided: Antelope, Black Pipe, Bull Creek, Butte Creek, Corn Creek, Grass Mountain, He Dog, Horse Creek, Ideal, Milk's Camp, Okreek, Parmelee, Ring Thunder, Rosebud, St. Francis, Soldier Creek, Spring Creek, Swift Bear, Two Strike, Upper Cut Meat. *(Amendment XXIII effective February 4, 1988)*

Section 4. Each recognized community shall elect representatives to the Tribal Council, in the proportion of one representative for each two hundred fifty (250) members or a remainder of more than one hundred twenty-five (125), provided that each recognized community shall be entitled to at least one representative. *(Replaced by Amendment XXII effective July 31, 1987)*

Section 4. Each recognized community shall elect representatives to the Tribal Council in proportion of one representative for each seven-hundred and fifty (750) members shall be consolidated, by the Tribal Council, with an adjacent recognized community for representation on the Tribal Council only. *(Amendment XXII effective July 31, 1987)*

Section 5. Any member of the Tribe at least twenty-five (25) years of age, who has not been found guilty by the Council of misconduct in tribal affairs and is not an employee of either the Department of the Interior or of the Public Health Service shall be qualified to seek and hold membership on the Tribal Council, provided that a candidate for President or Vice-President of the Tribe must have been living on the Reservation for at least one year preceding the date of the primary election, and a candidate for Community Representative must have been living in the Community of his candidacy for at least one year next preceding the date of the primary election. If by reason of tribal employment, or tribal office, a candidate for community representative is absent from the community of his candidacy, and resides in Rosebud Community, such residence shall be treated as living in the community of his candidacy for the purpose of this section. *(Amendment VI effective May 2, 1966)*

Section 5. No person shall be a candidate for membership in the tribal or community council unless he shall be a resident member of the Rosebud Sioux Tribe and shall have been affiliated for a period of one year next preceding the election, with the community of his candidacy. *(Replaced by Amendment VI effective May 2, 1966)*

Section 5. Any member of the Tribe at least twenty-five (25) years of age, who has not been found guilty by the Council of misconduct in tribal affairs shall be qualified to seek and hold membership on the Tribal Council, provided that a candidate for President or Vice-President of the Tribe must have been living on the Reservation for at least one year preceding the date of the primary election, and a candidate for Community Representative must have been living in the community of his candidacy for at least one year next preceding the date of the primary election. If by reason of tribal employment, or tribal office, a candidate for Community Representative is absent from the community of his candidacy, and resides in Rosebud Community, such residence shall be treated as living in the community of his candidacy for the purpose of this section. *(Amendment XVII effective September 23, 1985)*

Section 7. Each community shall have (the) power, by popular vote, to fill any vacancy which may occur in its representation on the Tribal Council.

Section 6. If the Office of President becomes vacant before the expiration of the term, the vice-president shall fill the unexpired term unless the Tribal Council orders a special election. If the

Office of Vice-President become vacant by reason of succession, or any other cause, the Tribal Council shall elect a Vice-President from its own number to fill the vacancy until the next general election: provided, that the tenure of office of any person elected to fill the vacancy shall not extend beyond the term of office of the original incumbent.

If the office of any community representative becomes vacant before the expiration of the term and one year or more of the term remains, the Tribal Council, within thirty (30) days after the vacancy, shall order a special election. If less than one year of the term remains, the Community Council of the affected community, within thirty (30) days from the date of the vacancy, shall appoint a community representative for the unexpired term otherwise the Tribal Council shall make the appointment for the unexpired term. *(Amendment VI effective May 2, 1966)*

Section 7. The Tribal Council shall elect from within or without its number a Secretary, Treasurer, Sergeant-at-Arms and such other officers, as it may deem appropriate for a term of two years but not beyond the next General election. Any such officers selected from without the Council shall have no vote in matters before the Council. *(Amendment VI effective May 2, 1966)*

Section 9. The Rosebud Sioux Tribal Council shall be the sole judge of the constitutional qualifications of its own members. *(Repealed effective September 20, 2007)*

Section 9. The first election of councilmen under this Constitution shall be held on call of the present Council, within thirty (30) days after its ratification and approval. Prior to the first election of the Tribal Council, the membership of each community shall be determined by the Superintendent and a committee consisting of one delegate from each community herein designated. *(Amendment VII effective May 2, 1966)*

Section 10. There shall be a primary election and a general election for president and vice-president of the Tribe held every two years commencing in 1967, and there shall be a primary election and general election for community representatives to the Tribal Council held every two years commencing in 1967. Primary elections shall be held on the fourth Thursday in August and general elections shall be held on the fourth Thursday in October. If the election Thursday is a legal holiday, the election shall be held on the first subsequent day which is not a holiday. The terms of councilmen and officers in office on the effective date of this amendment shall expire thirty (30) days following certification of the results of the General Election to be held in 1967. *(Amendment VI effective May 2, 1966)*

Section 10. There shall be a primary election and a general election for president and vice-president of the Tribe held every four years commencing in 1985, and there shall be a primary election and general election for community representatives to the Tribal Council held every four years commencing in 1985. Primary elections shall be held on the fourth Thursday in August and general elections shall be held on the fourth Thursday in October. If the election Thursday is a legal holiday, the election shall be held on the first subsequent day which is not a holiday. The terms of Councilmen and officers in office on the effective date of this amendment shall expire thirty (30) days following certification of the results of the general election to be held in 1967. *(Amendment XVII effective September 23, 1985)*

Section 10. There shall be a primary election and a general election for president and vice-president of the Tribe held every two years commencing in 1989, and there shall be a primary election and general election for community representatives to the Tribal Council held two years commencing in 1989. Primary election shall be held on the fourth Thursday in August and general elections shall be held on the fourth Thursday in October. If the election Thursday is a legal holiday, the election shall be held on the first subsequent day, which is not a holiday. The

terms of councilmen and officers in office on the effective date of this amendment shall expire (30) days following certification of the results of the general election to be held in 1989. *(Amendment XXIII – February 4, 1988)*

Section 11. The first election of councilmen under this Constitution shall be held on call of the present Council, within thirty (30) days after its ratification and approval. Prior to the first election of the Tribal Council the membership of each community shall be determined by the Superintendent and a committee consisting of one delegate from each community herein designated. *(Amendment VII effective May 2, 1966)*

Article IV – Powers of the Rosebud Sioux Tribal Council

Section 1. Enumerated powers –

(b) To employ legal counsel for the protection and advancement of the rights of the Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c). To purchase and to otherwise acquire lands and other property for or on behalf of the Tribe and to manage, permit, assign, lease, sell, exchange, encumber, or otherwise deal with tribal lands and property as authorized by law, and to prevent the sale, disposition, lease, or encumbrance of tribal land, interests in tribal lands or other tribal assets without the consent of the Tribe; provided, that in leasing tribal land for grazing or agriculture purposes preference shall be given to any member of the Tribe who is the economic head of the family. *(Amendment II effective June 19, 1962 – Yes-330; No-279)*

(c). To purchase and to otherwise acquire lands and other property for or on behalf of the Tribe and manage, permit, assign, lease, sell, exchange, encumber, or otherwise deal with tribal lands and property as authorized by law; provided that there shall be no sales of tribal or T.L.E. managed lands and no land trades to any non-Indians within the original boundaries of the 1868 Treaty without the consent of the Tribe; provided, that in leasing tribal land for grazing or agricultural purposes preference shall be given to any member of the Tribe who is the economic head of the family. *(Amendment II effective June 19, 1962)*

(r) To regulate the domestic relations of members of the Tribe. *(Replaced by Amendment effective September 20, 2007)*

(t) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution. *(Amendment VIII effective September 23, 1985)*

Section 2. Manner of Review. Any ordinance or resolution which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt by the Superintendent, rescind the said ordinance or resolution for any cause, by notifying the Reservation Council of such action.

If the Superintendent shall refuse to approve any ordinance or resolution within ten (10) days after its receipt by him, he shall advise the Rosebud Sioux Council of reasons therefore. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may within ninety (90) days from the date of its receipt by him, approve or disapprove the same in writing. *(Amendment VIII effective May 2, 1966) (Section 2 repealed by Amendment XVIII – September 23, 1985)*

Article VI – Elections

Section 1. Any enrolled member of the Rosebud Sioux Tribe, at least twenty-one (21) years of age, who has resided for at least ninety (90) days immediately prior to the election day in the community in which he anticipates to vote, is qualified to vote. *(Amendment IX effective May 2, 1966)*

Section 2. Repealed. *(Amendment X effective May 2, 1966)*

Article VII – Removal from Office

Section 2. The Tribal Council may, by a two-thirds vote, expel any member, except the President or Vice-President, for neglect of duty or gross misconduct, after due notice of charges and an opportunity to be heard. Procedures for the recall of the President or the Vice-President may be initiated by a petition signed by at least 50 per cent of those members who voted in the last tribal election. The Tribal Council shall adopt a recall ordinance with procedures that include, but not be limited to, specific charges for recall, provisions for hearings between the petitioners and the person whom charges are brought against. The Tribal Council shall call for an election of recall if the evidence submitted at the hearings so warrant. (Amendment XVII effective September 23, 1985)

Article VII – Removal from Office

Section 1. Any member of the Tribal Council who is convicted of a felony or of any other offense involving dishonesty during his term of office shall automatically forfeit his office.

Section 2. The Tribal Council may, by a two-thirds vote, expel any member, except the President or Vice-President, for neglect of duty or gross misconduct, after due notice of charges and an opportunity to be heard. Procedures for the recall of the President or the Vice-President may be initiated by a petition signed by at least 50 per cent (50%) of those members who voted in the last tribal election. The Tribal Council shall adopt a recall ordinance with procedures that include, but not be limited to, specific charges for recall, provisions for hearings between the petitioners and the person whom charges are brought against. The Tribal Council shall call for an election of recall if the evidence submitted at the hearing so warrant. *(Replaced by Amendment XVII effective September 23, 1985)*

Article VIII – Land

Section 1. Allotted lands, including heirship lands, within the Rosebud Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of South Dakota or of the federal government, or by the Tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not

they are members of the Rosebud Sioux Tribe. Likewise it is recognized that under existing law the Secretary of Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to state taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to lose his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Rosebud Sioux Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

Section 2. Tribal lands of the Rosebud Reservation and all lands which may hereafter be acquired by the Rosebud Tribe or by the United States in trust for the Rosebud Tribe shall be held as tribal lands, and no part of such lands shall be mortgaged or sold.

Section 3. Tribal lands shall not be allotted to individual Indians, but such tribal lands as are not required for school, agency, or other administrative use may be assigned by the Tribal Council to members of the Rosebud Sioux Tribe or may be leased or otherwise used by the Tribe as hereinafter provided for.

Section 4. Tribal lands may be leased by the Tribal Council with the approval of the Secretary of the Interior in accordance with law. Preference shall be given, first, to Indian cooperative associations, and, secondly, to individual Indians who are members of the Rosebud Tribe. No lease of tribal lands to a nonmember shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Tribe is able and willing to use the land and to pay a reasonable fee for such use; provided, no individual member of the Tribe or cooperative association shall be given any preference as to the use of tribal land unless the stock of such individual member or association is restricted stock and bears the ID brand. *(Section 1, 2, 3, 4 repealed; renumber remaining sections as required. Amendment III effective June 19, 1962 – Yes-325; No-291)*

Section 9(b). Such lands may not be reassigned to any heir or devisee who already holds more than 640 acres of grazing land or other lands of equal value. *(Replaced by Amendment IV effective June 19, 1962) (Is now Section 5(b).*

Article IX – Amendments

This Constitution and By-Laws may be amended by a majority vote of the qualified voters of the Rosebud Sioux Tribe at an election called for that purpose by the Secretary of Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, upon receipt of a written resolution signed by at least three-fourths (3/4) of the membership of the Council. *(Replaced by Amendment XIX effective September 23, 1985)*

Article X – Bill of Rights

Section 1. All members of the Tribe and all Indians on the reservation shall enjoy without hindrance freedom of religion, speech, press, assembly, conscience and association.

Section 2. Any Indian on the reservation accused of any offense shall have the right to a speedy and public trail and to be informed of the nature and cause of the accusation, and to be confronted with witness against him. Any Indian accused of any offense shall have the right to

the assistance of counsel and to demand trail by jury. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 3. No person shall be subject for the same offense to be twice put in jeopardy; not be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor be denied equal protection of law. *(Amendment XI – May 2, 1966)*

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BY-LAWS OF THE ROSEBUD SIOUX TRIBE

Article 1 – Duties of Officers

Section 1. The President shall manage and administer the affairs of the Tribe, including the supervision of tribal employees, subject to the resolutions, ordinances and instructions of the Tribal Council. The President shall preside at all meetings of the Tribal Council. He shall vote only in case of a tie. *(Amendment XII – May 2, 1966)*

Section 4. The Council Treasurer shall be the custodian of all moneys, which come under the jurisdiction or in control of the Rosebud Sioux Tribal Council. He shall pay out money in accordance with the orders and resolutions of the Council. He shall keep account of all receipts and disbursements and shall report the same to the Council at each regular meeting. He shall be bonded in such an amount as the council by resolution shall provide, such bond to be satisfactory to the Commissioner of Indian Affairs. The books of the Council Treasurer shall subject to audit or inspection at the discretion of the Council or the Commissioner.

Article III - Oath of Office

Each member of the Tribal Council and each officer or subordinate officer, elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof; by which oath, he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-Laws.

(Oath): I, _____ do hereby solemnly swear that I will support and defend the Constitution of the United States against all enemies, will carry out faithfully, and impartially, the duties of my office to the best of my ability; and will cooperate, promote and protect the best interests of my tribe, the Rosebud Sioux, in accordance with this Constitution and By-Laws.

Article IV – Salaries

Section. 2. No compensation shall be paid to any councilman, president, vice-president, secretary, treasurer, tribal council, or any officer out of the tribal funds under the control of the federal government, except upon a resolution stating the amount of compensation and the nature of services rendered, and said resolution shall be of no effect until approved by the Secretary of the Interior. *(Amended 9/20/07)*

Article V – Meetings of the Council

Section 1. Regular meetings of the Council shall be four (4) in each year, and shall be held in January, April, July, and October, on such days in said months and at such places as the Council by resolution shall provide. Two-thirds (2/3) of the duly elected members must be present to constitution a quorum. Special meetings may be called by the President, the Superintendent of the Reservation, or by a majority of the Councilmen in writing, and when so called, two-thirds (2/3) of said Councilmen must be present to constitution a quorum and the Council shall have power to transact business as in regular meetings. *(Amended 9/12/85)*